1 JOSEPH P. RUSSONIELLO (CABN 44332) United States Attorney FILED 2 BRIAN J. STRETCH (CABN 163973) MAR 2 0 2009 3 Chief, Criminal Division RICHARD W. WIEKING CLERK U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA Brian C. Lewis (ILBN 6286715) 4 Assistant United States Attorney 5 450 Golden Gate Ave., Box 36055 San Francisco, California 94102 6 Telephone: (415) 436-7200 Fax: (415) 436-7234 E-Mail: brian.lewis@usdoj.gov 7 Attorneys for Plaintiff 8 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA 11 SAN FRANCISCO DIVISION 12 13 UNITED STATES OF AMERICA. No. CR 3:09-70250 (EMC) 14 Plaintiff. 15 [PROPOSED] ORDER EXCLUDING TIME FROM MARCH 11, 2009 TO 16 **MARCH 18, 2009** MILTON RIVAS-ZUNIGA, 17 Defendant. 18 19 20 The parties appeared before the Honorable Edward M. Chen on March 11, 2009. With 21 the agreement of counsel for both parties, the Court found and held as follows: 22 1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. 23 § 3161, from March 11, 2009 to March 18, 2009. Failure to grant the requested continuance 24 would unreasonably deny the defendant continuity of counsel and deny defense counsel 25 reasonable time necessary for effective preparation, taking into account the exercise of due 26 diligence and the need for counsel to review the discovery with the defendant. 27 28

ORDER EXLUDING TIME

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- 2. Given these circumstances, the Court found that the ends of justice served by excluding the period from March 11, 2009 to March 18, 2009, outweigh the best interest of the public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C. § 3161(h)(8)(A).
- 3. Accordingly, and with the consent of the defendant, the Court ordered that the period from March 11, 2009 to March 18, 2009, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
- 4. Further, the defendant consented to, and for the reasons stated above good cause was shown for, waiving the requirement that a detention hearing be held within the time limits set forth in 18 U.S.C. § 3142(f).

IT IS SO STIPULATED.

DATED: March 18, 2009

GEOFFREY HANSEN
Counsel for Milton Rivas-Zuniga

DATED: March 18, 2009

BRIAN C. LEWIS
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 3 19 09

Edward M. Chen United States Magistrate Judge